

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PELTON & ASSOCIATES, P.C.
ATTORNEYS FOR PLAINTIFFS
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ATTORNEYS OF RECORD:
BRENT PELTON (BP-1055)

VIA ECF

RODNEY MALLOY, Individually and on behalf
Of all other Similarly Situated Employees

Plaintiffs,

-against-

RICHARD FLEISCHMAN & ASSOCIATES
INC., RICHARD FLEISCHMAN, and JOHN
DOES #1-10, Jointly and Severally

Defendants.

09 CV 00322 (CM)

**NOTICE OF JOINT MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT AGREEMENT**

PLEASE TAKE NOTICE that, upon the annexed affidavit of Brent E. Pelton, Esq., sworn to December 30, 2009, the exhibits annexed thereto, the accompanying joint memorandum of law in support of the parties' joint motion for preliminary approval of the settlement agreement, and all the pleadings and proceedings heretofore had herein, the undersigned will move this Court, before the Hon. Colleen McMahon, United States District Judge, in Courtroom 14C of the United States District Courthouse, 500 Pearl Street, New York, New York 10007-1581, on a date designated by the Court, for an order (i) preliminarily

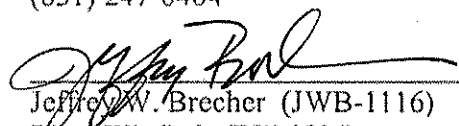
approving the settlement reached by the parties in this action as embodied in their Settlement Agreement (See Exhibit A to Pelton Declaration); (ii) approving the proposed Settlement Notice (See Exhibit B to Pelton Declaration); (iii) instructing the parties to appear before this Court for a Fairness Hearing on _____ at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York; and (iv) for such other and further relief as the Court may deem just and proper.

DATED: December 30, 2009
New York, New York

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